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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,552	03/17/2004	Shigeki Kodani	2004_0410A	3495
513	7590	01/09/2006	EXAMINER	
WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			BONK, TERESA	
			ART UNIT	PAPER NUMBER
			3725	

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/801,552

Applicant(s)

KODANI, SHIGEKI

Examiner

Teresa M. Bonk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Janos et al. (US Patent 5,966,981). Janos et al. discloses a press assembly wherein pressure oil is pressurized with a pressurizing force acting upon a die cushion pad, whereby sealed gas is compressed by pressure of the pressure oil thus pressurized, having a die cushion pad (upper draw ring 24) that is moveable up and down according to a pressurizing force applied from outside;

a first pressure receiving unit (pump cylinder assembly 102) comprising a first accommodation unit (cylinder 105), a first sliding member (piston 106), and the first hydraulic chamber (lower variable volume chamber 110) being accommodated in the first accommodation unit, wherein the first sliding member is caused to slide by a pressurizing force acting upon the die cushion pad to pressurize pressure oil (hydraulic fluid 66) in the first hydraulic chamber; and

a second pressure receiving unit (cushion assembly 34) comprising a second accommodation unit (cylinder 42a), a second sliding member (piston 44a), a second hydraulic chamber (upper variable volume chamber 46a) and a gas pressure chamber (lower variable volume chamber 48a), the second hydraulic chamber and the gas pressure chamber being separated by the second sliding member, both accommodated in the second accommodation unit,

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wherein the second sliding member is caused to slide by a pressure of the first hydraulic chamber to compress gas in the gas pressure chamber;

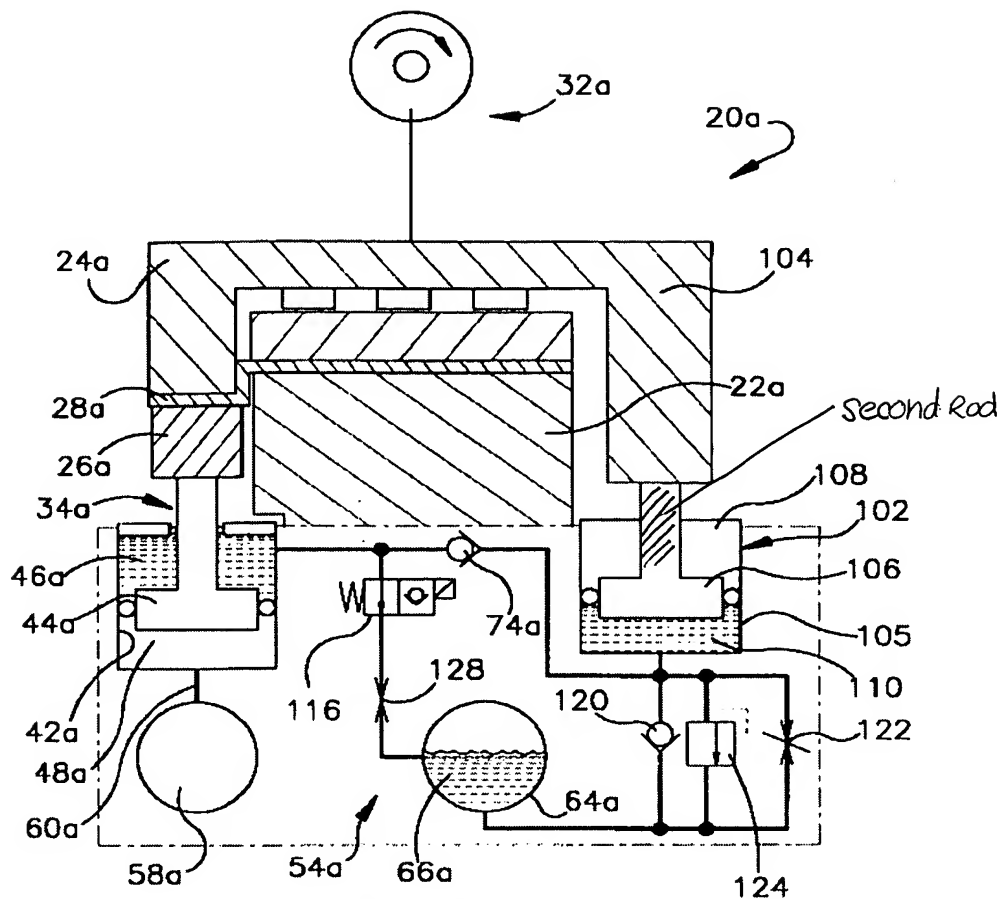
a first check valve (second check valve 120) that prevents a flow of the pressure oil from the first hydraulic chamber to a hydraulic pump (Column 7, lines 15-17);

a second check valve (check valve 74a) that prevents a flow of the pressure oil from the second hydraulic chamber to the first hydraulic chamber (Column 7, lines 9-11);

an opening/closing unit (modulating control valve 11 and variable orifice 128) that closes/opens a flow of the pressure oil from the second hydraulic chamber to a hydraulic tank (low pressure reservoir 64a) when the second sliding member slides in the direction of compressing the gas/pressure oil in the gas pressure chamber/second hydraulic chamber, wherein the opening degree decreases according to the sliding of the second sliding member in the direction of compressing the pressure oil in the second hydraulic chamber (Column 7, lines 22-25 and Column 8, lines 2-12);

further comprising a first rod (projection 104) connected to the die cushion pad and a second rod (see attached Figure 7) connected to the first sliding member, wherein when the die cushion pad is moved down, the first and second rods are abutted and a pressurizing force acting upon the die cushion is applied to the first sliding member.

Regarding claim 6, Janos et al. discloses an apparatus that is inherently capable of performing the claimed method steps.

**Fig.7*****Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and further shows the state of the art: US Patent 5,065,606 and US Patent 3,910,087.

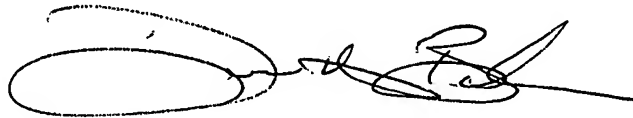
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Teresa M. Bonk whose telephone number is (571) 272-1901.

The examiner can normally be reached on M-F 7:30AM - 5PM with alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-9900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Teresa M. Bonk  
Examiner  
Art Unit 3725

A handwritten signature in black ink, appearing to read 'Derris H. Banks', with a large, stylized initial 'D' and a long horizontal stroke extending to the right.

**DERRIS H. BANKS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700**